

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FRED CHISOM.

Petitioner,

V.

WASHINGTON STATE DEPARTMENT OF  
CORRECTIONS,

### Respondent.

Case No. C06-5395RJB

## ORDER ADOPTING REPORT AND RECOMMENDATION

The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's motion to proceed *in forma pauperis* is **DENIED**. Further, this petition cannot be cured by amendment as petitioner is challenging his placement in an Intensive Management Unit and not his judgment or sentence.
- (3) The court will not consider converting this action to a Civil Rights Action as petitioner has on five occasions has actions dismissed where the court specifically counted the dismissal as a strike pursuant to 28 U. S. C. 1915 (g).
- (4) The clerk is directed to send copies of this Order to Petitioner, and to the Hon. J. Kelley Arnold **AND TO DISMISS THIS PETITION**.

DATED this 5<sup>th</sup> day of October, 2006.

Robert J. Bryan  
Robert J. Bryan  
United States District Judge

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